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EXAMINER	
FORMAN, BETTY J	

ART UNIT	PAPER NUMBER
1634	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/628,472	WOLBER ET AL.	
	Examiner	Art Unit	
	BJ Forman	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 21-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 21-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL ACTION

Status of the Claims

1. This action is in response to papers filed 24 March 2004 in which claims 1, 4, 5, 9 were amended, claims 16-20 were canceled and claims 21-23 were added. All of the amendments have been thoroughly reviewed and entered.

The previous rejections in the Office Action dated 24 December 2003, not reiterated below, are withdrawn in view of the amendments and/or Applicant's remarks. Applicant's arguments have been thoroughly reviewed and are discussed below as they apply to the instant grounds for rejection. New grounds for rejection, necessitated by amendment are discussed.

Claims 1-15 and 21-23 are under prosecution.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-9 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dattagupta et al (U.S. Patent No. 4,734,363, issued 29 March 1988) and Conrad (U.S. Patent No. 5,652,099, issued 29 July 1997).

Regarding Claim 1, Dattagupta et al teach a method for producing a mixture of nucleic acid comprising providing distinct single-stranded nucleic acids immobilized on a substrate wherein the nucleic acid comprises a constant domain at the 3' end (complement to #16, Fig. 1) and a variable region at the 5' end (complement to #20, Fig. 1), hybridizing a nucleic acid (#16) to the constant domain to produce a duplex having a double-stranded region and a single-stranded variable-region overhang, subjecting the duplex to cyclic reactions to produce a linearly amplified single-stranded nucleic acids and separating the single-stranded nucleic acids (Column 1, line 65-Column 2, line 58 and Examples 1, 5 and 6).

Conrad teaches a method for producing a mixture of nucleic acids the method comprising providing a plurality of different-sequence single-stranded nucleic acids, each comprising a constant domain at the 3' end (e.g. M13 primer site (fig. 14) and/or T7/SP6 promoter sites (fig. 23)) and a variable domain at the 5' end (i.e. vector insert and/or gene template) hybridizing nucleic acids to the constant domain to produce a duplex having a double-stranded region and a single-stranded variable-region overhang and subjecting the duplex to cyclic reactions to produce a mixture of linearly-amplified single stranded nucleic acids of differing sequences (i.e. probe cocktail)(Example 2, Column 24, line 53-Column 26, line 3).

Dattagupta et al does not teach the immobilized nucleic acids have differing sequences. However, as detailed above, Conrad teaches the similar method using nucleic acids of differing sequences whereby a "cocktail of probes" is produced for detection of different length, different number and/or different location of targets. Conrad further teaches these three different types diagnostic targets illustrate the broad importance of the probe cocktail producing (Column 28, lines 50-58). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the probe synthesis of Dattagupta et al by immobilizing additional nucleic acids of different sequences for the expected benefit of proving

various types of diagnostics based and further based on the broad importance of probe cocktails as taught by Conrad (Column 28, lines 50-58).

Conrad does not teach immobilized duplexes. However, as detailed above, Dattagupta et al teach the similar method wherein the duplexes are covalently immobilized (Fig. 1). Dattagupta et al teaches their immobilized duplexes provide large-scale production of sequence-specific probes while eliminating the need for plasmids, cloning and restriction (Column 1, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the probe synthesis of Conrad by immobilizing their plurality of duplexes for the expected benefit of providing large scale production of sequence-specific probes as taught by Dattagupta et al (Column 1, lines 31-35).

Hence the instantly claimed invention is obvious over Dattagupta et al in view of Conrad or alternatively over Conrad in view of Dattagupta et al.

Regarding Claim 2, Dattagupta et al teaches the method wherein the nucleic acids produced are DNA (Column 2, lines 34-54). Conrad teaches the nucleic acids produces are DNA (Column 24, lines 53-56).

Regarding Claim 3, Dattagupta et al teaches the method wherein the constant domain comprises a recognition domain (e.g. complement of #16, Fig. 1) and a linker domain (Column 2, lines 24-32). Conrad teaches the method wherein the constant domain comprises a recognition domain (e.g. M13 primer site (fig. 14) and/or T7/SP6 promoter sites (fig. 23).

Regarding Claim 4, Dattagupta et al teaches the method wherein the cycling is linear amplification (fig. 1 and Column 2, lines 34-54). Conrad teaches the method wherein the cycling is linear i.e. asymmetric synthesis (Column 24, lines 53-67).

Regarding Claim 5, Dattagupta et al teach a method for producing a mixture of nucleic acid comprising providing distinct single-stranded nucleic acids immobilized on a substrate wherein the nucleic acid has L (linker, Column 2, line 24-34)-R (e.g. complement of #16, Fig. 1)-F (e.g. complement for 3'nt of the primer whereby the polymerase extends) and a variable

region at the 5' end (complement to #20, Fig. 1), hybridizing a nucleic acid (#16) to the R-F domains to produce a duplex having a double-stranded region and a single-stranded variable-region overhang, subjecting the duplex to cyclic reactions to produce a linearly amplified single-stranded nucleic acids and separating the single-stranded nucleic acids (Column 1, line 65-Column 2, line 58 and Examples 1, 5 and 6).

Conrad teaches a method for producing a mixture of nucleic acids the method comprising providing a plurality of different-sequence single-stranded nucleic acids, each comprising a R (primer complement)- F (polymerase binding site) (e.g. M13 primer site (fig. 14) and/or T7/SP6 promoter sites (fig. 23)) and a variable domain at the 5' end (i.e. vector insert and/or gene template) hybridizing nucleic acids to the constant domain to produce a duplex having a double-stranded region and a single-stranded variable-region overhang and subjecting the duplex to cyclic reactions to produce a mixture of linearly-amplified single stranded nucleic acids of differing sequences (i.e. probe cocktail)(Example 2, Column 24, line 53-Column 26, line 3).

Dattagupta et al does not teach the immobilized nucleic acids have differing sequences. However, as detailed above, Conrad teaches the similar method using nucleic acids of differing sequences whereby a "cocktail of probes" is produced for detection of different length, different number and/or different location of targets. Conrad further teaches these three different types diagnostic targets illustrate the broad importance of the probe cocktail producing (Column 28, lines 50-58). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the probe synthesis of Dattagupta et al by immobilizing additional nucleic acids of different sequences for the expected benefit of proving various types of diagnostics based and further based on the broad importance of probe cocktails as taught by Conrad (Column 28, lines 50-58).

Conrad does not teach immobilized duplexes. However, as detailed above, Dattagupta et al teach the similar method wherein the duplexes are covalently immobilized (Fig. 1).

Dattagupta et al teaches their immobilized duplexes provide large-scale production of sequence-specific probes while eliminating the need for plasmids, cloning and restriction (Column 1, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the probe synthesis of Conrad by immobilizing their plurality of duplexes for the expected benefit of providing large scale production of sequence-specific probes as taught by Dattagupta et al (Column 1, lines 31-35).

Hence the instantly claimed invention is obvious over Dattagupta et al in view of Conrad or alternatively over Conrad in view of Dattagupta et al.

Regarding Claim 6, Dattagupta et al teaches the method wherein the linker domain is 0-10 bases (Column 2, lines 24-33). Conrad teaches the method wherein the linker domain is 0 bases (Example 2).

Regarding Claim 7, Conrad teaches the method wherein the functional domain is RNA polymerase promoter domain (Column 25, lines 35-40).

Regarding Claim 8, Dattagupta et al teaches the method wherein the recognition domain is recognized by a restriction enzyme (Column 3, lines 1-17). Conrad teaches the method wherein the recognition domain is recognized by a restriction enzyme (e.g. *Eco R1*, Fig. 14 and Example 2).

Regarding Claim 9, Dattagupta et al teaches the method wherein the cycling is linear amplification (fig. 1 and Column 2, lines 34-54). Conrad teaches the method wherein the cycling is linear i.e. asymmetric synthesis (Column 24, lines 53-67).

Regarding Claims 21 and 22, Dattagupta et al teach a method for producing a mixture of nucleic acid comprising providing distinct single-stranded nucleic acids immobilized on a substrate wherein the nucleic acid comprises a constant domain at the 3' end (complement to #16, Fig. 1) and a variable region at the 5' end (complement to #20, Fig. 1), hybridizing a nucleic acid (#16) to the constant domain to produce a duplex having a double-stranded region and a single-stranded variable-region overhang, subjecting the duplex to cyclic reactions to

produce a linearly amplified single-stranded nucleic acids and separating the single-stranded nucleic acids (Column 1, line 65-Column 2, line 58 and Examples 1, 5 and 6).

Conrad teaches a method for producing a mixture of nucleic acids the method comprising providing a plurality of different-sequence single-stranded nucleic acids, each comprising a constant domain at the 3' end (e.g. M13 primer site (fig. 14) and/or T7/SP6 promoter sites (fig. 23)) and a variable domain at the 5' end (i.e. vector insert and/or gene template) hybridizing nucleic acids to the constant domain to produce a duplex having a double-stranded region and a single-stranded variable-region overhang and subjecting the duplex to cyclic reactions to produce a mixture of linearly-amplified single stranded nucleic acids of differing sequences (i.e. probe cocktail)(Example 2, Column 24, line 53-Column 26, line 3).

Dattagupta et al does not teach the immobilized nucleic acids have differing sequences. However, as detailed above, Conrad teaches the similar method using nucleic acids of differing sequences whereby a "cocktail of probes" is produced for detection of different length, different number and/or different location of targets. Conrad further teaches these three different types diagnostic targets illustrate the broad importance of the probe cocktail producing (Column 28, lines 50-58). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the probe synthesis of Dattagupta et al by immobilizing additional nucleic acids of different sequences for the expected benefit of proving various types of diagnostics based and further based on the broad importance of probe cocktails as taught by Conrad (Column 28, lines 50-58).

Conrad does not teach immobilized duplexes. However, as detailed above, Dattagupta et al teach the similar method wherein the duplexes are covalently immobilized (Fig. 1). Dattagupta et al teaches their immobilized duplexes provide large-scale production of sequence-specific probes while eliminating the need for plasmids, cloning and restriction (Column 1, lines 31-35). It would have been obvious to one of ordinary skill in the art at the

time the claimed invention was made to modify the probe synthesis of Conrad by immobilizing their plurality of duplexes for the expected benefit of providing large scale production of sequence-specific probes as taught by Dattagupta et al (Column 1, lines 31-35).

Dattagupta et al teaches subjecting the duplexes to in vitro transcription (reverse transcription) or linear amplification (Fig. 1 and Column 2, lines 41-48). Conrad teaches subjecting the duplexes to in vitro transcription (T7 transcription) or linear amplification (asymmetric) (Column 24, lines 53-56).

Hence the instantly claimed invention is obvious over Dattagupta et al in view of Conrad or alternatively over Conrad in view of Dattagupta et al.

4. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dattagupta et al (U.S. Patent No. 4,734,363, issued 29 March 1988) and Conrad (U.S. Patent No. 5,652,099, issued 29 July 1997) as applied to Claim 1 above and further in view of Cantor et al (U.S. Patent No. 5,795,714, issued August 18, 1998).

Regarding Claim 10, Dattagupta et al teach a method for producing a mixture of nucleic acid comprising providing distinct single-stranded nucleic acids immobilized on a substrate wherein the nucleic acid comprises a constant domain at the 3' end (complement to #16, Fig. 1) and a variable region at the 5' end (complement to #20, Fig. 1), hybridizing a nucleic acid (#16) to the constant domain to produce a duplex having a double-stranded region and a single-stranded variable-region overhang, subjecting the duplex to cyclic reactions to produce a

linearly amplified single-stranded nucleic acids and separating the single-stranded nucleic acids (Column 1, line 65-Column 2, line 58 and Examples 1, 5 and 6).

Conrad teaches a method for producing a mixture of nucleic acids the method comprising providing a plurality of different-sequence single-stranded nucleic acids, each comprising a constant domain at the 3' end (e.g. M13 primer site (fig. 14) and/or T7/SP6 promoter sites (fig. 23)) and a variable domain at the 5' end (i.e. vector insert and/or gene template) hybridizing nucleic acids to the constant domain to produce a duplex having a double-stranded region and a single-stranded variable-region overhang and subjecting the duplex to cyclic reactions to produce a mixture of linearly-amplified single stranded nucleic acids of differing sequences (i.e. probe cocktail)(Example 2, Column 24, line 53-Column 26, line 3).

Dattagupta et al does not teach the immobilized nucleic acids have differing sequences. However, as detailed above, Conrad teaches the similar method using nucleic acids of differing sequences whereby a "cocktail of probes" is produced for detection of different length, different number and/or different location of targets. Conrad further teaches these three different types diagnostic targets illustrate the broad importance of the probe cocktail producing (Column 28, lines 50-58). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the probe synthesis of Dattagupta et al by immobilizing additional nucleic acids of different sequences for the expected benefit of proving various types of diagnostics based and further based on the broad importance of probe cocktails as taught by Conrad (Column 28, lines 50-58).

Conrad does not teach immobilized duplexes. However, as detailed above, Dattagupta et al teach the similar method wherein the duplexes are covalently immobilized (Fig. 1). Dattagupta et al teaches their immobilized duplexes provide large-scale production of sequence-specific probes while eliminating the need for plasmids, cloning and restriction (Column 1, lines 31-35). It would have been obvious to one of ordinary skill in the art at the

time the claimed invention was made to modify the probe synthesis of Conrad by immobilizing their plurality of duplexes for the expected benefit of providing large scale production of sequence-specific probes as taught by Dattagupta et al (Column 1, lines 31-35).

Dattagupta et al and Conrad do not teach using their nucleic acids as primer to make a population of target nucleic acids.

However, Cantor et al. teach a similar method for producing a mixture of nucleic acids comprising: providing an array of distinct single-stranded probe nucleic acids, contacting said array with nucleic acids complementary to said constant domain under hybridization conditions whereby a template array of overhang comprising duplex nucleic acids is produced, wherein each overhang comprising duplex of said array comprises a double-stranded region and a single-stranded variable region overhang; subjecting said template array to primer extension to produce a mixture of nucleic acids (Column 13, line 41-Column 14, line 22) and further comprising; employing said mixture as primers in a target generation step in which target nucleic acids are produced i.e. to create duplicate arrays (Column 4, lines 48-50) wherein the nucleic acids are RNAs (Column 6, lines 43-47). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the methods of Dattagupta et al and Conrad by employing the mixture of nucleic acids as primers to thereby duplicate template arrays as taught by Cantor et al (Column 4, lines 48-65).

Regarding Claim 11, Cantor et al. teach the similar method wherein the target generation step comprises template driven primer extension (Column 4, lines 57-58).

Regarding Claim 12, Cantor et al. teach the similar method wherein said target generation step produces labeled target nucleic acids (Column 9, lines 28-50).

Regarding Claim 13, Cantor et al. teach the similar method of generating a set of target nucleic acids according to the method of Claim 10; and further contacting said set of nucleic acids with nucleic acids under hybridizing condition; and detecting the presence of target nucleic acids hybridized to nucleic acids i.e. the generated nucleic acids are free in solution

and hybridized to other nucleic acids for detecting the nucleic acids (Column 4, lines 48-65). Cantor et al. do not teach the nucleic acids in solution are contacted with an array of probes. However, It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the hybridization of Cantor et al. by hybridizing the generated nucleic acids to probes on an array to thereby detect the generated sequences using positional screening for the expected benefit of rapidly and accurately the sequence of the nucleic acid generated as taught by Cantor et al. (Column 4, lines 11-15).

Regarding Claim 14, Cantor et al. teach the similar method of Claim 13 wherein the nucleic acids are labeled (Column 9, lines 1-27).

Regarding Claim 15, Conrad teaches their method of using the produced probes wherein following hybridization between immobilized probes and target, the hybrids are washed thereby providing for detection and quantification of hybrids (Column 19, lines 37-46).

5. Claim 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dattagupta (A) (U.S. Patent No. 4,734,363, issued 29 March 1988) and Conrad (U.S. Patent No. 5,652,099, issued 29 July 1997) in view of Dattagupta (B) (U.S. Patent No. 5,215,899, issued 1 June 1993).

Regarding Claim 23, Dattagupta et al teach a method for producing a mixture of nucleic acid comprising providing distinct single-stranded nucleic acids immobilized on a substrate wherein the nucleic acid comprises a constant domain at the 3' end (complement to #16, Fig. 1) and a variable region at the 5' end (complement to #20, Fig. 1), hybridizing a nucleic acid (#16) to the constant domain to produce a duplex having a double-stranded region and a single-

stranded variable-region overhang, subjecting the duplex to cyclic reactions to produce a linearly amplified single-stranded nucleic acids and separating the single-stranded nucleic acids (Column 1, line 65-Column 2, line 58 and Examples 1, 5 and 6).

Conrad teaches a method for producing a mixture of nucleic acids the method comprising providing a plurality of different-sequence single-stranded nucleic acids, each comprising a constant domain at the 3' end (e.g. M13 primer site (fig. 14) and/or T7/SP6 promoter sites (fig. 23)) and a variable domain at the 5' end (i.e. vector insert and/or gene template) hybridizing nucleic acids to the constant domain to produce a duplex having a double-stranded region and a single-stranded variable-region overhang and subjecting the duplex to cyclic reactions to produce a mixture of linearly-amplified single stranded nucleic acids of differing sequences (i.e. probe cocktail)(Example 2, Column 24, line 53-Column 26, line 3).

Dattagupta et al does not teach the immobilized nucleic acids have differing sequences. However, as detailed above, Conrad teaches the similar method using nucleic acids of differing sequences whereby a "cocktail of probes" is produced for detection of different length, different number and/or different location of targets. Conrad further teaches these three different types diagnostic targets illustrate the broad importance of the probe cocktail producing (Column 28, lines 50-58). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the probe synthesis of Dattagupta et al by immobilizing additional nucleic acids of different sequences for the expected benefit of proving various types of diagnostics based and further based on the broad importance of probe cocktails as taught by Conrad (Column 28, lines 50-58).

Conrad does not teach immobilized duplexes. However, as detailed above, Dattagupta et al teach the similar method wherein the duplexes are covalently immobilized (Fig. 1). Dattagupta et al teaches their immobilized duplexes provide large-scale production of sequence-specific probes while eliminating the need for plasmids, cloning and restriction

(Column 1, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the probe synthesis of Conrad by immobilizing their plurality of duplexes for the expected benefit of providing large scale production of sequence-specific probes as taught by Dattagupta et al (Column 1, lines 31-35).

Dattagupta (A) and Conrad both teach linear amplification but they do not teach strand-displacement amplification. However, Dattqaguputa (B) teaches a similar method for producing single stranded nucleic acids wherein the preferred method of linear amplification is strand displacement whereby multiple cycles of amplification are provided (Column 9, lines 58-67). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the strand displacement of Dattqaguputa (B) to the linear amplification of Dattagupta (A) and Conrad based on the preferred teaching of Dattagupta (A)(Column 9, lines 58-67).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Uhlen (U.S. Patent No. 5,405,746, issued 11 April 1995) teach a method for producing nucleic acids comprising primers having constant and variable domains, extending the primers and separating the nucleic acids (Column 6, line 42-Column 7, line 25 and Fig. 1).

Conclusion

8. No claim is allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJ Forman, Ph.D.
Primary Examiner
Art Unit: 1634
May 27, 2004